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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

ANNA MARIE SWELEY,)	Case No.: 1:24-cv-00126-SKO
)	
Plaintiff,)	STIPULATION AND UNOPPOSED
)	MOTION TO VOLUNTARY REMAND
vs.)	PURSUANT TO SENTENCE FOUR OF
)	42 U.S.C. § 405(g) AND TO ENTRY OF
MARTIN O'MALLEY,)	JUDGMENT; ORDER
Commissioner of Social Security,)	(Doc. 12)
)	
Defendant.)	

IT IS STIPULATED by and between Plaintiff Anna Marie Sweley ("Plaintiff") and Defendant Martin O'Malley, Commissioner of Social Security ("Defendant"), through their undersigned counsel of record, that the above-entitled action shall be remanded to the Commissioner of Social Security for further administrative proceedings.

Upon remand, the Appeals Council will remand the case to an Administrative Law Judge (ALJ) for a new decision and instruct the ALJ to reevaluate the medical opinions and prior administrative medical findings; reevaluate the claimant's RFC; and offer Plaintiff an opportunity for a new hearing. The parties further request that the Court direct the Clerk of the

STIPULATION TO REMAND; ORDER

1 Court to enter a final judgment in favor of Plaintiff, and against Defendant, reversing the final
2 decision of the Commissioner.

3 This stipulation constitutes a remand under the fourth sentence of Section 205(g) of the
4 Social Security Act, 42 U.S.C. 405(g).

5 Dated: April 1, 2024

Respectfully submitted,

6 /s/ Francesco P. Benavides*

7 (*as authorized via e-mail on Apr. 1, 2024)

8 FRANCESCO P. BENAVIDES

Attorney for Plaintiff

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10 United States Attorney

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11 Associate General Counsel

12 Social Security Administration

13 By: /s/ Christopher Vieira

14 CHRISTOPHER VIEIRA

Special Assistant United States Attorney

15 Attorneys for Defendant

16 **ORDER**

17 Based upon the parties' Stipulation and Unopposed Motion to Voluntary Remand
18 Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (Doc. 12), and for
19 cause shown, **IT IS ORDERED** that the above-captioned action is remanded to the
20 Commissioner of Social Security for further proceedings pursuant to the fourth sentence of
21 Section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

22 The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against Defendant,
23 vacating and reversing the final decision of the Commissioner and thereafter close this case.

24
25 IT IS SO ORDERED.

26 Dated: April 2, 2024

/s/ Sheila K. Oberto

27 UNITED STATES MAGISTRATE JUDGE